

EDWIN HERNANDEZ,
ARLES GRANADOS LAZO, JOSE ORTEZ,
YERLIN ORTEZ, MARTIR SORTO and
SANTOS VALASQUEZ,

Plaintiff,

v.

GOLDEN APPLE, INC.,
POMODORO NORTH END, INC.,
MATT MURPHY’S PUB, INC.,
SIOBHAN CAREW and JONATHAN PELL,

Defendants.

I, PATRICK M. TROY, successor counsel for the above-captioned defendants and counterclaim plaintiff's hereby depose and state the following:

1. The previously filed motion was plead with sufficient particularity to satisfy the requirements of Rule 9(b) of the Federal Rules of Civil Procedure ("Rule 9(b)").

2. Further Discovery is necessary to further develop details supporting the allegations alleged in Defendants and Counterclaim Plaintiff's Opposition Motion which is not unreasonable and in the spirit of Rule 9(b)- including depositions and private investigative work.

3. To require further extensive details at this stage of the counterclaim is prejudicial to the defendants and counterclaim plaintiffs –as it does not afford the ability to conduct any discovery by successor counsel.

4. The allegations incorporated in the Opposition Motion would be supported by depositions of fellow employees, management and ownership.

Signed under the pains and penalties of perjury this 30th day of January 2014.

Respectfully Submitted,

/s/ Patrick M. Troy
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by complying with this Court's directives on electronic filing.

Dated: January 30, 2014

Signed: /s/ Patrick M. Troy

Certification of Compliance With Local Rule 7.1(a)(2)

I, Patrick M. Troy, certify that pursuant to Local Rule 7.1(a)(2) of this Court, counsel for Carew conferred with counsel for Plaintiff regarding this Motion to Amend in an effort to narrow the issues raised herein.

Dated: January 21, 2014

Respectfully submitted,
/s/ Patrick M. Troy